FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

CONTEMPT PETITION NO.57/2006

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : B.R. GAVAI, J.
DATED : 05th SEPTEMBER, 2006

By way of present petition, the petitioner contends that all the respondents have committed contempt of order dated 22.6.2005, passed by this Court in W.P. No.663/2005.

It is the contention of the present petitioner that there is wilful default of clause-3 of the operative order which reads thus :

> "3] In so far as the second vacancy of Headmaster is concerned Management is directed to take steps to fill in the said post according to law and consider the quota rule within a period of 8 weeks from today".

It is not disputed that there are two schools run

by the respondent Management, one school is exclusively Girls High School and second is of Boys High School. In so far as girls school is concerned, the appointment has to be done from senior most lady teacher. As such post of Headmaster in the girls school cannot be filled up from reservation quota. This issue has squarely covered in the judgment of this Court reported at 1993 Mh.L.J. page 305 (Bhide Girls Education Society...Versus...Education Officer, Zila Parishad, Nagpur and others), in which it is held that if there is only one vacancy of Headmaster and the same is isolated post, the same cannot be filled up from reservation quota.

In that view of the matter, there is no merit in the petition. Hence, the petition is rejected.

JUDGE

ssw